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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO.       |
|--|-------------|----------------------|-------------------------------|------------------------|
| 10/743,931   | 12/23/2003  | Ken-Ju Jung          | 252011-1840                   | 9007                   |
| 47390 7590 12/10/2007<br>THOMAS, KAYDEN, HORSTEMEYER & RISLEY LLP<br>600 GALLERIA PARKWAY, 15TH FLOOR<br>ATLANTA, GA 30339 |             |                      | EXAMINER<br>BAYARD, DJENANE M |                        |
|  |             |                      | ART UNIT<br>2141              | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>12/10/2007       | DELIVERY MODE<br>PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/743,931

Applicant(s)

JUNG ET AL.

Examiner

Djenane M. Bayard

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 9/08/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-14 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This is in response to amendment filed on 9/08/07 in which claims 1, 3-8, 10-14, 16-19 are pending.

#### *Response to Arguments*

2. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that Bondi fails to teach that the nodes are CDP neighbor device data and has never suggested to popping the CDP neighbor device data out of the queue for successive CDP neighbor device discovery. However, Bondi clearly teaches wherein the where A-Z represent the identity of each node assigned to the node manager. The status poll transmission queue 10 identifies the nodes which are scheduled to be polled. The status poll transmission queue 10 stores the node identity of the nodes which are awaiting transmission of a poll, and is preferably a FIFO (first in first out) queue or a FCFS (first come first serve) queue (See col. 5, lines 54-67). It obvious to one with ordinary skill in the art the claimed limitation of the Applicant is a simple FIFO (first in first out) queue system that Bondi clearly teaches.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-8, 10-14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,185,109 to Conrad et al in view of U.S. Patent No. 5,710,885 to Bondi.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

a. As per claims 1, 8 and 14, Conrad et al teaches a system, method and a machine-readable storage medium for storing computer program which when executed performs a method, of automated network device discovery, comprising: a storage device (See col. 5, lines 58-67 and col. 6, lines 1-3); and a discovery module, configured to issue a series of relayed single-destination simple network management protocol (SNMP) requests to a plurality of network

devices to acquire a plurality of Cisco discovery protocol (CDP) neighbor device data (See col. 2, lines 58-67, *discovering CDP nodes of the network by transmitting SNMP message*, col. 3, lines 1-10 *and* col. 4, lines 36-54, col. ) generate a plurality of network device inventory records corresponding to the CDP neighbor device data, and store the network device inventory records to the storage device (See col. 4, lines 2-25). However, Conrad et al fails to teach wherein the discovery module further stores the CDP neighbor device data which is newly discovered to a queue and pops the CDP neighbor device data out of the queue for successive CDP neighbor device discovery.

Bondi teaches queue for nodes A-Z, where A-Z represent the identity of each node assigned to the node manager. The status poll transmission queue 10 identifies the nodes which are scheduled to be polled. The status poll transmission queue 10 stores the node identity of the nodes which are awaiting transmission of a poll, and is preferably a FIFO (first in first out) queue or a FCFS (first come first serve) queue (See col. 5, lines 54-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Bondi in the claimed invention of Conrad et al in order to reduce the elapsed of network discovery (See col. 3, lines 20-25).

b. As per claims 3, 10 and 16, Conrad et al in view of Bondi teaches the claimed invention as described above. However, Conrad et al fails to teach wherein the CDP neighbor device identity is popped out of the queue on a first-in-first-out (FIFO) basis.

Bondi teaches wherein the CDP neighbor device identity is popped out of the queue on a first-in-first-out (FIFO) basis (See col. 5, lines 54-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Bondi in the claimed invention of Conrad et al in order to reduce the elapsed of network discovery (See col. 3, lines 20-25).

c. As per claims 4, 11 and 17, Conrad et al in view of Bondi teaches the claimed invention as described above. Furthermore, Conrad et al teaches a display module, providing a graphical user interface (GUI) to facilitate selecting and browsing the network device inventory records (See col. 5, lines 22-38).

d. As per claim 5, Conrad et al view of Bondi teaches the claimed invention as described above. Furthermore, Conrad et al teaches wherein the network device stores a management interface base (MIB) file containing the CDP neighbor device data (See col. 4, lines 1-25).

e. As per claims 6-7, 12-13 and 18-19, Conrad et al in view of Bondi teaches the claimed invention as described above. Furthermore, Conrad et al teaches wherein the network device stores a management interface base (MIB) file containing the CDP neighbor device data (See col. 4, lines 1-25).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

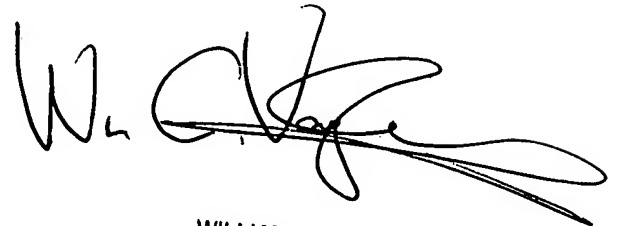
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

Patent Examiner

A handwritten signature in black ink, appearing to read 'W. Vaughn', with a long, sweeping horizontal stroke extending to the right.

WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY